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OFFICE OF PETITIONS

In re Patent No. 7,574,215
Issued: August 11, 2009
Application No. 09/707,326
Filed: November 6, 2000
Attorney Docket No. TRMB-T9630

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN ISSUE NOTIFICATION filed on October 13, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 520 days to 793 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred thirty-seven (937) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on November 7, 2003 and ends on December 27, 2004, the day before the RCE was filed, and is 417 (not 419) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 937 days (1087 "A delay" plus 417 "B delay" minus 0 overlap minus 567 "applicant delay"), not 793 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred thirty-seven (937) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,574,215 B1
DATED : August 11, 2009
INVENTOR(S) : Fan et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (520) days

Delete the phrase "by 520 days" and insert -- by 937 days--

Day : Friday
 Date: 3/26/2010

Time: 15:45:15

PALM INTRANET

PTA Calculations for Application: 09/707326

Application Filing Date:	11/06/2000	PTO Delay (PTO):	1087
Issue Date of Patent:	08/11/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	567
Post-Issue Petitions:	0	Total PTA (days):	937
PTO Delay Adjustment:	417		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
92	03/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	417		
89.5	07/22/2009	PTA 36 MONTHS			
89	08/11/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
88	07/17/2009	EXPORT TO FINAL DATA CAPTURE			
87	07/16/2009	DISPATCH TO FDC			
86	07/13/2009	MAIL-PETITION DECISION - DISMISSED			
85	07/13/2009	PETITION DECISION - DISMISSED			
84	05/12/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
83	05/11/2009	ISSUE FEE PAYMENT VERIFIED			
82	05/11/2009	PETITION ENTERED			
81	05/11/2009	ISSUE FEE PAYMENT RECEIVED			
80	04/14/2009	FINISHED INITIAL DATA CAPTURE			
79	03/27/2009	EXPORT TO INITIAL DATA CAPTURE			
78	03/24/2009	MAIL NOTICE OF ALLOWANCE	431		67
75	04/03/2008	ISSUE REVISION COMPLETED			
74	02/29/2008	CORRESPONDENCE ADDRESS CHANGE			
73	02/29/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
72	02/19/2008	DOCUMENT VERIFICATION			
71	02/19/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
70	02/19/2008	CASE DOCKETED TO EXAMINER IN GAU			
69	02/19/2008	NOTICE OF ALLOWABILITY			
68	02/13/2008	DATE FORWARDED TO EXAMINER			
67	09/18/2007	RESPONSE AFTER NON-FINAL ACTION	259		59

66	01/23/2008	MAIL NOTICE OF RESCINDED ABANDONMENT			
65	02/13/2008	NOTICE OF RESCINDED ABANDONMENT IN TCS			
64	01/23/2008	MAIL-PETITION TO REVIVE APPLICATION - GRANTED			
63	01/23/2008	PETITION TO REVIVE APPLICATION - GRANTED			
62	09/18/2007	PETITION ENTERED			
61	05/03/2007	MAIL ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
60	04/30/2007	ABAND. FOR FAILURE TO RESPOND TO O. A.			
59	10/02/2006	MAIL NON-FINAL REJECTION			
58	09/28/2006	NON-FINAL REJECTION			
57	09/12/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
56	09/13/2006	DATE FORWARDED TO EXAMINER			
55	09/12/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
54	09/13/2006	DATE FORWARDED TO EXAMINER			
53	09/12/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
52	09/13/2006	DISPOSAL FOR A RCE / CPA / R129			
51	09/12/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
50	09/12/2006	REFERENCE CAPTURE ON IDS			
49.7	09/12/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
49	09/12/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	09/01/2006	CORRESPONDENCE ADDRESS CHANGE			
47	06/12/2006	MAIL FINAL REJECTION (PTOL - 326)			
46	06/08/2006	FINAL REJECTION			
45	04/18/2006	DATE FORWARDED TO EXAMINER			
44	04/07/2006	RESPONSE AFTER NON-FINAL ACTION		76	38
43	04/07/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
42	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
41	01/27/2006	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
40	01/27/2006	RECEIPT OF ACKNOWLEDGMENT LETTER			
39	01/27/2006	RECEIPT OF ACKNOWLEDGMENT LETTER			

38	10/21/2005	MAIL NON-FINAL REJECTION			
37	10/13/2005	NON-FINAL REJECTION			
36	08/23/2005	DATE FORWARDED TO EXAMINER			
35	08/10/2005	RESPONSE AFTER NON-FINAL ACTION	87	33	
34	08/10/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	02/15/2005	MAIL NON-FINAL REJECTION			
32	02/15/2005	NON-FINAL REJECTION			
31	01/18/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
30	01/18/2005	DATE FORWARDED TO EXAMINER -			
29	12/28/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
28	01/18/2005	DATE FORWARDED TO EXAMINER			
27	12/28/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)	80	22	
26	01/18/2005	DISPOSAL FOR A RCE / CPA / R129			
25	12/28/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	12/28/2004	WORKFLOW INCOMING AMENDMENT IFW			
23	12/28/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
22	07/09/2004	MAIL FINAL REJECTION (PTOL - 326)			
21	06/28/2004	FINAL REJECTION			
20	06/28/2004	DATE FORWARDED TO EXAMINER			
19	03/29/2004	RESPONSE AFTER NON-FINAL ACTION	65	16	
18	03/29/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
17	03/09/2004	CORRESPONDENCE ADDRESS CHANGE			
16	10/24/2003	MAIL NON-FINAL REJECTION	656	-1	
15	10/20/2003	NON-FINAL REJECTION			
14	10/20/2003	CASE DOCKETED TO EXAMINER IN GAU			
13	06/26/2003	CASE DOCKETED TO EXAMINER IN GAU			
12	02/21/2003	CASE DOCKETED TO EXAMINER IN GAU			
11	01/17/2003	CASE DOCKETED TO EXAMINER IN GAU			
10	10/14/2002	CORRESPONDENCE ADDRESS CHANGE			
9	10/15/2002	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
8	11/09/2001	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			

7.7	11/06/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	11/06/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	02/02/2001	CASE DOCKETED TO EXAMINER IN GAU			
5	01/23/2001	TRANSFER INQUIRY			
4	01/08/2001	APPLICATION DISPATCHED FROM OIPE			
3	01/02/2001	CORRESPONDENCE ADDRESS CHANGE			
2	12/01/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/06/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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